

**U.S. Department of Justice
Federal Bureau of Prisons**
*Federal Correctional Institution
Fort Dix, NJ 08640*



OPI: LEGAL DEPARTMENT
Number: FTD 1315.07E
Date: September 24, 2009
Subject: INMATE LEGAL ACTIVITIES

Institution
Supplement

1. **PURPOSE:** This supplement outlines the procedures for utilizing the inmate law library at the Federal Correctional Institution (FCI), Fort Dix, procedures for obtaining stamps for legal materials, procedures for making legal telephone calls and any visits. This must be read in conjunction with Program Statement 1315.07, Inmate Legal Activities.
2. **DIRECTIVES AFFECTED:**
 - A. **DIRECTIVES RESCINDED:** Institution Supplement FTD 1315.07D, Inmate Legal Activities, dated July 17, 2007.
 - B. **DIRECTIVES REFERENCED:** Program Statements 1315.07, Inmate Legal Activities, dated November 5, 1999; 5264.07, Telephone Regulations for Inmates, dated January 31, 2002; 5265.11, Correspondence, dated July 9, 1999; 5270.07, Inmate Discipline and Special Housing Units, dated December 29, 1987, 5267.08, Visiting Regulations.
3. **STANDARDS REFERENCED:** American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4487, 4-4268, 4-4276, 4-4275, 4-4492, 4-4500.
4. **LAW LIBRARIES:** Law libraries are located in the Education Building. A basic law library is located in the Special Housing Unit. The law libraries are maintained by the Supervisor of Education (SOE). The operating hours are as follows:

Library (Normal Hours)

**7:45 AM-----10:30 AM, Monday through Friday
12:30 PM----- 3:30 PM, Monday through Friday**

6:00 PM-----8:45 PM, Monday through Thursday
07:45 PM-----3:45 PM, Saturday
1:00 PM -----3:00 PM, Sunday

A satellite law library is located at the camp. The operating hours are as follows:

Satellite Camp Library Hours

7:45 AM-----8:45 PM, Monday through Friday
7:45 AM-----3:30 PM, Saturday and Sunday

5. **INMATE ACCESS TO LAW LIBRARIES:** General population inmates are expected to use the law library during leisure time. Unless authorized, an inmate will not be permitted to conduct legal activities during work hours. Inmate law clerks will be available for assistance during normal hours of operation to include weekends and evenings.

In cases where an inmate can demonstrate compliance with an imminent court deadline, the Associate Warden responsible for Unit Teams may authorize use of the law library during work hours. Inmates will submit their request directly to the appropriate Associate Warden. This submission must include proof of the imminent court deadline and indicate why the legal work cannot be accomplished during leisure time.

6. **INMATE ACCESS TO LAW MATERIAL:** Law materials may only be used in the law library or in other areas designated by the SOE due to space concerns. Theft or destruction of law library materials will result in disciplinary action.

Inmates housed at the Camp, or Special Housing Unit must complete an Attachment A, to view copies of case law or to obtain copies of materials not in their respective Law Library. This form should be forwarded to the Library Coordinator so that copies can be delivered to the Camp or Special Housing unit, respectively. Inmates who return the legal copies within 72 hours will not be required to pay for the copies. Inmates who do not return the copies, lose them or destroy them, will be required to pay 15 cents per page of copies material. Staff will require a BP-199 Form (Transfer of Inmate Funds) be completed when the copies are given to the inmate. If the copies are returned, the BP-199 Form will be destroyed.

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7. **MATERIAL:** Typewriters and typing paper will be available in the inmate law library and leisure library. Certain typewriters will be designated for the preparation of legal documents only.

Inmates will be responsible for purchasing their own typewriter ribbons and printwheel from the commissary. Manual typewriters are available for inmates who are indigent or who choose not to purchase their own ribbons.

Copy machines are available in the library for inmate use. Unit team staff may duplicate legal documents if the inmate demonstrates that numerous copies must be submitted to the court and that duplication cannot be accomplished through regular channels. The inmate shall bear the cost, and the duplication shall be done so as not to interfere with regular institution operations. A charge of 15 cents per page will be made and the inmate will sign a Request for Withdrawal of Inmate Personal Funds for the total amount. Staff may waive the cost if the inmate meets the conditions set forth in Program Statement 1315.07, Inmate Legal Activities.

An inmate who cannot make copies on the copy machine located in the library due to restrictions placed on his commissary account, as a result of disciplinary sanctions, should request the unit team make the copies and charge his commissary account 15 cents per page. The inmate will sign a Request for Withdrawal of Inmate Personal Funds for the total amount. The inmate must have the required funds in their account at the time the request is submitted. In the event an inmate under commissary restriction needs to make copies of pages from law books or other materials which may not be removed from the law library, they should submit a request to the education staff member who serves as the library coordinator. The staff member will verify he has the funds to pay for the copies and will charge the inmate 15 cents per page. The inmate will sign a Request for Withdrawal of Inmate Personal Funds for the total amount.

8. **ELECTRONIC DISCOVERY**

Legal data on electronic storage media may be accepted by the institution only if it is mailed from the inmate's legal representative. Once received, the contents of the storage media will be examined by a member of the inmate's Unit Team in order to verify that the contents are legitimate legal documentation. The electronic media will then be transported by staff from the inmate's Housing Unit to the Education Department. Inmates are not permitted to possess or transport the electronic storage media.

The electronic storage media will be stored in the Education Department. The inmate Access Computer is located in the Education Reading Room. Education Department staff will determine the hours when the inmate can review the legal material using the computers. The Education representative will issue all legal media to the inmate and will keep a log for all material given to and returned by the inmate. Inmates are not permitted to leave the computer room without returning all media to the Education representative. Prior to utilizing the electronic media, inmates must sign the **Rules Governing Use of Electronic Storage Media to View Legal Materials**. (See Attachment B).

9. **ACCESS TO ATTORNEYS:**

- A. Procedures for attorney visits are detailed in Institution Supplement FTD 5267.08, Visiting Procedures.
- B. Inmates are expected to communicate with their attorneys either through the mail or through legal visits. In accordance with the procedures set forth in Program Statement 5264.06, Telephone Regulations for Inmates, an inmate may be permitted to place a collect un-monitored telephone call to his attorney when there is an imminent court deadline and he can demonstrate that communication with his attorney cannot be accomplished by correspondence, visitation, or normal telephone.
- C. Attorney visiting procedures and the exchange of legal documents during an attorney visit are detailed in Institution Supplement FTD 5267.08, Visiting Procedures.

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- D. Incidents of attorney misconduct should be reported to the Attorney Advisor, who will notify the Regional Counsel, to ensure that appropriate action is taken.
 - E. An attorney who wishes to have his paralegal, legal assistant, or investigator correspond or visit with an inmate shall follow the guidelines set forth in Program Statement 5265.11, Correspondence and Program Statement 1315.07, Legal Activities, Inmate. The attorney and the paralegal, legal assistant or investigator shall be required to complete and submit Attachment F as found in the governing Program Statement for Inmate Legal Activities, prior to the initial legal visit. Approved legal visits shall be made in accordance with the governing Institution Supplement for Visiting Procedures.
10. ATTORNEY VISITS: An inmate is responsible for notifying his attorney of the procedures for visits. An attorney who is on an inmate's visiting list may see an inmate during normal visiting hours without previously contacting staff. If an attorney is not listed as attorney of record for the inmate on the inmate's visiting list, a written request must be submitted to the Warden.
- Attorney visits will take place in the visiting room and will be subject to routine visual monitoring by visiting room officers.
- A. Attorney Visit Approval: If an attorney is not on the visiting list, but has made arrangements with the Unit Team to see an inmate, a memorandum shall be prepared by a member of the Unit Team to the Associate Warden advising him/her that an attorney visit has been arranged in accordance with the Institution Supplement. Copies of this memorandum shall be forwarded to the Front Lobby, Control Center, and Checkpoint Officers.
 - B. Attorney Identifications: Attorneys will be required to indicate on the visiting form which State(s) they are licensed to practice law and provide proof of that license. Attorneys will also be required to show identification and identify the inmate who they are representing or interviewing.

Legal Materials:

1. Attorneys: Attorneys may bring a reasonable amount of legal materials (based upon institution safety and security) into the visiting room during a visit. Upon arrival, the attorney will notify the visiting room staff if documents are to be exchanged. Any legal materials brought into the visiting room will be subject to a routine search for contraband prior to their removal from the visiting room.

2. Inmates: Before an inmate may bring legal materials into the Visiting Room, he must obtain prior approval from the Unit Team. Once an inmate has been approved to bring legal materials to the visiting room, the Unit Team must indicate the approval in a memorandum to the Associate Warden advising staff the inmate is cleared to bring legal materials into the visiting room.

Any legal materials brought to the visiting room by an inmate will be subject to a routine search for contraband prior to admission into the visiting room.

3. Exchange of Legal Materials: Any exchange of documents between an inmate and his legal representative during an attorney visit must be approved by the inmate's Unit Team prior to the legal visit in which the exchange of documents is to take place. This approval must be documented in a memorandum to the respective Associate Warden.

If staff from an inmate's Unit Team are not available, the Operations Lieutenant may approve legal material to be brought into or taken out of the visiting room.

B. Inmates are not assessed points for legal visits.

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11. **SERVICE OF PROCESS OF SUBPOENAS OR OTHER LEGAL DOCUMENTS ON INMATES:** Service of legal documents on inmates will be coordinated through SIS. A law enforcement agency may contact SIS to arrange for a mutually convenient time to serve an inmate with legal documents. In no case will a staff member serve an inmate with any legal document, or accept service for such inmate.

An attorney wishing to serve an inmate may do so by mail or personal service by contacting a law enforcement agency to effect personal service on an inmate.

12. **PAYMENT OF POSTAGE FOR LEGAL MATTERS:** Payment of postage for legal mail is the responsibility of the inmate. An inmate who does not have sufficient funds or stamps for mailing legal documents to the Courts or his attorney, may be issued a sufficient number of first class postage stamps for legal mail or an Administrative Remedy.

The inmate must submit a request to the Unit Manager. An inmate receiving postage stamps may be required to complete a reimbursement form.

M.P. Heffron, Acting Warden

DISTRIBUTION:
Executive Staff
Law Libraries
Department Heads
AFGE Local 2001
Master File

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ATTACHMENT A

FPC, FORT DIX
EDUCATION DEPARTMENT

REQUEST FOR LIBRARY MATERIALS (INMATE LEGAL/READING LIBRARY) *

NAME: _____ REGISTER NUMBER: _____

UNIT: _____ DATE: _____

PLEASE STATE BRIEFLY THE MATERIALS/BOOKS DESIRED:

CHECK ONE: LEGAL REQUEST _____ READING REQUEST _____

DATE REQUEST RECEIVED BY EDUCATION: _____

1. _____
2. _____
3. _____
4. _____
5. _____

DATE REQUEST SENT TO INMATE: _____

I HAVE RECEIVED _____ PAGES OF LEGAL MATERIALS. I UNDERSTAND THAT I WILL HAVE FIVE DAYS TO REVIEW THESE CASES AND MUST THEN RETURN THEM, UNDAMAGED TO AN EDUCATION STAFF MEMBER, OR I WILL BE CHARGED 15 CENTS PER PAGE.

INMATE RECEIVING MATERIALS/BOOK(S) :

SIGNATURE: _____ REGISTER #: _____ DATE: _____

STAFF WITNESS

COST IF NOT RETURNED

TO BE COMPLETED WHEN COPIES ARE DELIVERED TO THE INMATE.

THIS IS TO CERTIFY THAT THE COPIES WERE RETURNED TO THE EDUCATION DEPARTMENT.

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ATTACHMENT B

**Rules Governing Use of Electronic Storage Media to View Legal
Materials**

The Education representative will issue all legal media to the you.

You are not permitted to leave the computer room without returning all media to the Education representative.

Media will be logged out when given to the you, and logged in when they are returned.

You will log in to the computer system using the User ID and password given to you by the Education representative.

Other inmates are not permitted to be gathered around the computer while you are using it.

You may not save information to any storage media to include CDs, DVDs, floppy disks, USB devices or hard drives, nor may you print anything.

I understand that if I do not abide by these rules, I may lose my access to the computer system to view my legal materials on electronic storage media.

Signature

Date